vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5332 OF 2007

Shreerang Education Society & ors. ... Petitioners

V/s.

Smt.Janhavi Jayesh Gaikwad & Anr. ... Respondents

Mr.Ambar Joshi for Petitioners
Mr.N.V. Bandiwadekar for Respondent No.1
Mr.R.M. Patne, AGP, for Respondent No.2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 30, 2007**

P.C.:

. The Tribunal has by the impugned order allowed the appeal filed by Respondent No.1 and set aside the order of termination dated 22.1.2006 to be effected on 22.2.2007. The Tribunal has rightly held that the services of Respondent No.1 who was appointed as a probationer could not have been terminated in the manner that the petitioner had done. The petitioner had not maintained the assessment records which are required to be maintained even for a probationer under Rule 15(6) under the Maharashtra Employees of Private Schools Rules. Reliance is placed by the advocate for the petitioner on the judgment in the case of *Savitribai Fule Shikshan Prasarak Mandal, Wardha & Anr. v/s. Dhananjay Deoraoji Diwate & Ors.*, **2004 (3) Mh.L.J.18.**

2. The Tribunal has considered the fact that there are certain interpolations in the assessment work of Respondent No.1 and the word "NOT" has been added before the word "satisfactory" changing it o mean unsatisfactory work by the probationer. In my view, the Tribunal has not committed any error of law apparent on the face of the record. The learned advocate for the petitioner points out that there are several complaints against Respondent No.1 and therefore, the order of the Tribunal should be set aside. This submission of the learned advocate cannot be accepted since the order of the Tribunal is not perverse. If the petitioner finds that there is a need to take action against Respondent No.1, it may do so in accordance with law.

3. Petition rejected.